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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,322	06/28/2004	Si-Woo Park	08015.0020	8949
22852 7590 01/10/2008 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER ALTSCHUL, AMBER L	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,322

Applicant(s)

PARK ET AL.

Examiner

Amber L. Altschul

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on October 19, 2007. Claims 1-8 remain pending. Claims 1-8 have been amended.

Priority

2. This application claims benefit of PCT/KR03/00025 filed on January 8, 2003 which further claims benefit of Republic of Korea application 10-2002-0000893 filed on January 8, 2002. Applicant's claim for the benefit of this prior-filed application is acknowledged.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 4, and 7 contain the trademark/trade names BlueTooth, IEEE 802.11, IrDA, and Home RF. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a medical terminal and, accordingly, the identification/description is indefinite. Therefore, Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

5. The rejection regarding claims 4, 5, 7, and 8 regarding the limitation of "RF" under 35 U.S.C. 112, first paragraph, is hereby withdrawn due to the amendment filed October 19, 2007.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,959,529, Kail, et al., hereinafter Kail. (Reference A on the attached PTO-892).

8. (Currently Amended) Regarding claim 1, Kail teaches a medical terminal in a portable medical system that communicates medical information between a wireless terminal and said medical terminal by wireless, (abstract), said medical terminal comprising:

a condition examining part for examining a health condition of a user ~~user's health~~,
(column 1, lines 59-65);

a medical information converting part for converting the health condition ~~information~~
produced by said condition examining part into medical information that can be
perceived by the outside world, (column 4, lines 19-41);

a local wireless interface ~~for medical terminal~~ for transmitting medical information to the
~~local wireless interface~~ of the wireless terminal, such that the medical information is transmitted
to a medical institution and a medical result information is transmitted from the medical

institution, (column 2, lines 13-21); and

a controlling part for controlling operations of said condition examining part, said medical information converting part, and said local wireless interface ~~for medical terminal~~, (column 4, lines 19-41).

9. (Currently Amended) Regarding claim 2, Kail teaches the method of claim 1 as described above. Kail further teaches wherein said local wireless interface transmits the medical information using interfaces with the wireless terminal, and said medical terminal is one selected from ~~[[a]]~~ the group consisting of BlueTooth wireless network standard, IEEE 802.11 wireless network standard, IrDA wireless network standard, and Home Radion Frequency ~~[[RF]]~~ wireless network standard, (column 4, lines 61-67 and column 5, lines 1-13).

10. (Currently Amended) Regarding claim 3, Kail teaches the method of claim 1 as described above. Kail further teaches wherein said condition examining part ~~[[is]]~~ comprises one selected from ~~[[a]]~~ the group consisting of a blood pressure monitor, a thermometer, a heart rate monitor, a diabetes monitor, a blood flow monitor, a blood glucose monitor, and an atmosphere monitor, (column 2, lines 22-27).

11. (Currently Amended) Regarding claim 4, Kail teaches a wireless terminal for remote access examination in a portable medical system that communicates medical information between said wireless terminal and a medical terminal by wireless, (abstract), said wireless terminal comprising:

an input part for receiving information from a user, (column 3, line 12);

an output part for displaying selected information to ~~be perceived by~~ the user, (column 3, lines 12-14);

a local wireless interface for wireless terminal to receive medical information via a local wireless interface for the portable medical system, (column 3, lines 8-18);

a radio frequency (RF) an-RF converting part for converting the medical information into an RF signal for wireless communication, (column 4, lines 19-41);

an RF transducer for transmitting the RF signal to a ~~predetermined~~ medical institution and for receiving medical result information from the medical institution, (column 6, lines 49-67 and column 7, lines 1-20);

a memory for storing selected information, (column 5, line 3); and

a controlling part for controlling operations of said input part, said output part, said local wireless interface for wireless terminal, and said RF transducer; wherein (column 6, lines 49-67 and column 7, lines 1-20).

said local wireless interface received the medical information using one selected from the group consisting of Bluetooth wireless network standard, IEEE 802.11 wireless network standard, IrDA wireless network standard, and Home Radio Frequency (RF) wireless network standard. (column 4, lines 61-67 and column 5, lines 1-13).

12. (Currently Amended) Regarding claim 5, Kail teaches a remote medical system, (abstract), comprising:

a medical terminal for examining a health condition of a user ~~user's health~~ to produce medical information, (column 7, lines 60-67 and column 8, lines 1-28); and

a wireless terminal for transmitting the medical information received from ~~[[said]]~~ the medical terminal to a ~~predetermined~~ medical institution and for receiving medical result information from the medical institution, (column 8, lines 29-57),

wherein said medical terminal comprises:

a condition examining part for examining the health condition ~~of user's health~~, (column 1, lines 59-65);

a medical information converting part for converting the health condition ~~information~~ produced by ~~[[said]]~~ the condition examining part into medical information that can be perceived by the outside world, (column 4, lines 19-41);

a local wireless interface for ~~medical terminal~~ for transmitting the medical information to the ~~local wireless interface of the~~ wireless terminal, such that medical information is transmitted to a medical institution and medical result information is transmitted from the medical institution, (column 2, lines 13-21); and

a controlling part for controlling operations of said condition examining part, said medical information converting part, and said local wireless interface for medical terminal, (column 4, lines 19-41),

wherein said wireless terminal comprises:

an input part for receiving information from the user, (column 3, line 12);

an output part for displaying selected information to ~~be perceived by~~ the user, (column 3, lines 12-14);

a local wireless interface for the wireless terminal to receive the medical information via a local wireless interface for the portable medical system, (column 3, lines 8-18);

a radio frequency (RF) ~~an RF~~-converting part for converting medical information into an RF signal for wireless communication, (column 4, lines 19-41);

an RF transducer for transmitting the RF signal to the medical institution and

for receiving medical result information from the medical institution, (column 6, lines 49-67 and column 7, lines 1-20);

a memory for storing selected information, (column 5, lines 3); and

a controlling part for controlling operations of said input part, said output part, said local wireless interface for wireless terminal, and said RF transducer, (column 6, lines 49-67 and column 7, lines 1-20).

13. (Currently Amended) Regarding claim 6, Kail a method for processing medical information by using a wireless terminal and a medical terminal both having local wireless interfaces, (abstract), said method comprising the steps of:

examining a health condition of a user by the medical terminal ~~user's health~~, (column 1, lines 59-65);

converting the health condition ~~information related to the condition of user's health~~ into medical information that can be perceived by the outside world, (column 4, lines 19-41); and

transmitting the medical information to the local wireless interface of the ~~for~~ wireless terminal through the local wireless interface of the ~~for~~ medical terminal for ~~the purpose of~~ transmitting the medical information from the wireless terminal to a ~~predetermined~~ medical institution and receiving medical result information from the medical institution, (column 2, lines 13-21).

14. (Currently Amended) Regarding claim 7, Kail teaches a method for processing medical information by using a wireless terminal and a medical terminal both having local wireless interfaces, (abstract), ~~[[said]]~~ the method comprising the steps of:

receiving the medical information provided through ~~[[a]]~~ the local wireless interface of

the ~~for~~ medical terminal, (column 3, lines 8-18);

converting the medical information into ~~an RF~~ a radio frequency (RF) signal for wireless communication, (column 4, lines 19-41);

transmitting the RF signal to a ~~predetermined~~ medical institution through a wireless network, (column 6, lines 49-67 and column 7, lines 1-20); and

displaying medical result information received from the medical institution for a user to perceive; wherein (column 3, lines 12-14);

the medical information is received using one selected from the group consisting of BlueTooth wireless network standard, IEEE 802.11 wireless network standard, IrDA wireless network standard, and Home Radio Frequency (RF) wireless network standard. (column 4, lines 61-67 and column 5, lines 1-13).

15. (Currently Amended) Regarding claim 8, Kail teaches a method for processing medical information in a remote access medical system provided with a wireless terminal and a medical terminal both having local wireless interfaces, (abstract), ~~[[said]]~~ the method comprising the steps of:

examining a health condition of a user using the medical terminal; ~~user's health~~, (column 1, lines 59-65);

converting the health condition information ~~related to the condition of user's health~~ into medical information that can be perceived by the outside world, (column 4, lines 19-41);

transmitting the medical information to the local wireless interface of the ~~for~~ wireless terminal through the local wireless interface of the ~~for~~ medical terminal ~~for the purpose of~~ transmitting the medical information from the wireless terminal to a ~~predetermined~~ medical

institution and receiving medical result information from the medical institution, (column 2, lines 13-21);

receiving the medical information provided through ~~[[a]]~~ the local wireless interface of the ~~for~~ medical terminal, (column 3, lines 8-18);

converting the medical information into ~~an RF~~ a radio frequency (RF) signal for wireless communication, (column 4, lines 19-41);

transmitting the RF signal to a ~~predetermined~~ medical institution through a wireless network, (column 6, lines 49-67 and column 7, lines 1-20); and

displaying the medical result information received from the medical institution for a user to perceive, (column 3, lines 12-14).

Response to Arguments

16. Applicant's arguments filed October 19, 2007 have been fully considered but they are not persuasive. Applicant asserts that Kail fails to teach "a health condition". However, Examiner respectfully disagrees. It is readily apparent that Kail suggests "a health condition". Kail teaches "the system determines the location of the portable monitoring unit, reviews available sensor data such as biological information or sensor information from a medical device used by the person, for example an infusion pump, and provides the information to the concerned person or, as appropriate, summons medical assistance" (See Kail, column 3, lines 19-42).

(A) Applicant asserts that claims 2 and 3 set forth different aspects related to the same general concept as claim 1. Claims 2-3 are dependent from Applicant's independent claim 1. As such, Applicant's remarks with regard to the application of Kail

to these claims is moot in the above Office Action.

(B) Applicant further argues that in regard to claim 4, Kail does not teach a local wireless interface. In response, the Examiner respectfully disagrees. It is readily apparent that Kail suggests "a local wireless interface", (See Kail, column 4, lines 11-18, Figures 1 and 2, and column 5, lines 32-59).

(C) Applicant asserts that claims 5-8 set forth different aspects related to the same general concept as claims 1 and 4. Claims 5-8 are rejected for the same reasons as set forth above regarding claims 1 and 4. As such, Applicant's remarks with regard to the application of Kail to these claims is moot in the above Office Action.

17. As such, Applicant's remarks with regard to the application of Kail to the amended claims are moot in light of the above Office Action. Applicant's arguments with respect to claims 1-8 have been considered but are moot.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Wireless device with automatic auto-response setting function (US 6044262 A), Dispersed-type testing measuring system and dispersed-type care system (US 6221009 B1), Reprogrammable remote sensor monitoring system (US 6225901 B1), Distributed mobile biometric identification system with a centralized server and mobile workstations (US 6317544 B1), System for long-term remote medical monitoring (US 6315719 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-

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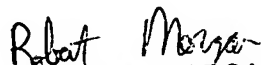
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1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-8219.

ALA
January 4, 2008


ROBERT W. MORGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600